

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible to)	WC Docket No. 09-197
Receive Universal Service Support)	
)	
GreatCall, Inc.)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in Tennessee)	

**PETITION OF GREATCALL, INC. FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER IN TENNESSEE**

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September 22, 2010

SUMMARY

GreatCall, Inc. (“GreatCall”) respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”), and Section 54.201 *et seq.* of the FCC’s rules. GreatCall seeks designation as an ETC in Tennessee for the limited purpose of offering Lifeline and Link-Up services to end-user customers in that state. GreatCall does not seek funding from the USF’s high-cost program.

GreatCall has been providing services under the “Jitterbug” brand name since 2006. Since its inception, GreatCall has had as its mission increasing access to basic telecommunications services by senior citizens and disabled populations who have been largely left behind by other carriers focused on supplying high-end devices that provide, among other things, cameras, data services, Internet access and video streaming. Jitterbug offers its customers the opportunity to purchase phones that are simple and easy to use. Its service plans include simple access to live representatives. Jitterbug’s customers are the many people who simply want to place and receive voice calls, with easy access to personal operators who can help complete calls, answer questions, and provide assistance with phone functions.

Sections 214(e) and 254 of the Act expressly authorize the FCC to designate GreatCall as an ETC. Section 214(e)(6) of the Act provides that the FCC may designate a common carrier as an ETC where, as here, that carrier’s services are not subject to the jurisdiction of a state commission. GreatCall has provided an affirmative statement from the Tennessee Regulatory Authority that it lacks jurisdiction over wireless providers for purposes of ETC designations.

GreatCall meets each of the statutory and regulatory prerequisites for designation as an ETC. In addition, consumers will receive the benefits of mobility, high-quality service, and access to GreatCall's operator services that are tailored to the senior and disabled communities and are unique in the telephone industry. As a result, designating GreatCall as an ETC will serve the public interest generally, and the needs of low-income customers in Tennessee in particular.

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GreatCall, Inc. (“GreatCall” or “Company”) respectfully submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”),¹ and Section 54.201 *et seq.* of the FCC’s rules.² GreatCall seeks designation as an ETC in Tennessee for the limited purpose of offering Lifeline and Link-Up services to end-user customers in the state.

As demonstrated herein, and as certified in Exhibit A, GreatCall meets each of the statutory and regulatory prerequisites for such designation. In addition, consumers will receive the benefits of mobility, high-quality service, and access to GreatCall’s operator services that are tailored to the senior and disabled communities and unique in the telephone industry.

Accordingly, GreatCall respectfully requests that the FCC grant this Petition expeditiously, so that low-income citizens in Tennessee can benefit from the variety of high-quality calling plans provided by GreatCall without any unnecessary delay.

¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. § 54.201 *et seq.*

I. BACKGROUND

A. GreatCall.

GreatCall provides digital wireless services on a common carrier basis, offering customers affordable mobile wireless phone service at flat rates without fixed-term contracts, credit checks or termination fees. GreatCall has been providing services under the “Jitterbug” brand name since 2006. The Jitterbug service is designed primarily for senior citizens who typically have little use for many of the vertical services offered on typical wireless plans offered by the “Big 4” carriers. Jitterbug offers customers the opportunity to purchase phones that are simple and easy to use. Its service plans include simple access to live representatives who can complete calls, program functions into the phone, and provide additional concierge services such as programming contacts and adding calendar events to the customer’s phone.

GreatCall offers other services tailored to the senior community. For example, LiveNurse™ provides customers with access to health related resources 24 hours a day, seven days a week through live, personalized advice from registered nurses. In addition, LiveNurse™ offers access to a health information library with hundreds of pre-recorded messages on general health topics. GreatCall also offers a medication reminder service, which sends a message to customers reminding them to take their scheduled medication on time. GreatCall also offers an automated check-in call service for homebound or at-risk customers. These services can provide low-income citizens with access to basic health care information and related services at a low cost. Over the next year, GreatCall will be introducing additional health care related services to help customers manage diabetes and receive emergency response assistance.

GreatCall is a Delaware corporation, providing service in Tennessee pursuant to a Mobile Virtual Network Operator (“MVNO”) arrangement with Verizon Wireless, which is authorized

to provide service throughout Tennessee via Commercial Mobile Radio Service (“CMRS”) licenses granted by the FCC.

B. Designation of Eligible Telecommunications Carriers.

Sections 214(e) and 254 of the Act expressly authorize the FCC to designate GreatCall as an ETC.³ Section 214(e)(6) of the Act provides that the FCC may designate a common carrier as an ETC where, as here, that carrier’s services are not subject to the jurisdiction of a state commission.⁴ That provision further states that the FCC may, in the case of any area in Tennessee served by a rural telephone company, and shall, in the case of any other area in Tennessee, designate more than one common carrier as an ETC, provided the requesting carrier: (i) offers services that are supported by federal universal service support mechanisms; and (ii) advertises the availability of such services.⁵ The FCC’s rules impose additional requirements on a common carrier seeking designation as an ETC. As demonstrated below, GreatCall satisfies each of these requirements.

C. Scope of GreatCall Designation Request.

GreatCall seeks ETC designation for the purpose of receiving available support from the federal universal service fund (“USF”) for low-income customers only (*i.e.*, Lifeline and Link-Up support). GreatCall will not seek funding from the USF’s high-cost program. As more fully described below, the instant request to participate in the Lifeline program promotes the goals of universal service and offers many benefits to low-income customers in Tennessee. The Lifeline

³ 47 U.S.C. §§ 214(e), 254.

⁴ 47 U.S.C. § 214(e)(6). The Tennessee Regulatory Authority has confirmed that wireless communications carriers, such as GreatCall, are not subject to state jurisdiction for purposes of ETC designation. *See Exhibit C hereto. See also Federal-State Joint Board on Universal Service*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, at ¶ 96 (2000).

⁵ 47 U.S.C. § 214(e)(6).

services provided by GreatCall will contain many features specifically designed for qualifying customers. Indeed, GreatCall's Lifeline plans will provide affordable and convenient wireless services to qualifying customers, many of whom are otherwise unable to afford wireless services.

Verizon Wireless holds commercial mobile wireless service licenses throughout the state of Tennessee; as a result, Great Call seeks designation throughout the entire state. For the reasons set forth below, designating GreatCall as an ETC throughout the state would serve the public interest, convenience and necessity. A list of requested service areas is attached hereto as Exhibit B.

D. Description of GreatCall's Lifeline Service Offering.

GreatCall is prepared to offer Lifeline service throughout the area where it is designated. Customers taking Lifeline service will receive the same features and functionalities enjoyed by all other GreatCall customers. Under GreatCall's basic service plan, eligible customers receive 50 anytime minutes per month for \$14.99. GreatCall has other rate plans that suit low-income customers, such as \$19.99 for 100 minutes and \$29.99 for 200 minutes, plus 500 night/weekend minutes. Additional detail on Great Call's rate plans and offerings can be found at <http://www.jitterbug.com/RatePlans/#>

II. THE REGULATORY AGENCY IN TENNESSEE HAS PROVIDED AN AFFIRMATIVE STATEMENT THAT THEY DO NOT REGULATE CMRS CARRIERS FOR ETC DESIGNATION PURPOSES

Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific universal service support." The Act reserves the authority to designate entities as ETCs to state public utility commissions.⁶ Pursuant to section 214(e)(6), however, the FCC may designate as an ETC "a common carrier

⁶ 47 U.S.C. § 254(e).

providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission”⁷ The FCC has established that a carrier must demonstrate that it “is not subject to the jurisdiction of a state commission” before it may review any ETC designation application.⁸ The FCC also has stated that any carrier seeking ETC designation from it must provide an “affirmative statement” from the state commission that it lacks jurisdiction to perform the ETC designation.⁹

The Tennessee Regulatory Authority has provided an affirmative statement that it lacks jurisdiction over wireless providers for purposes of ETC designations. The letter enclosed as Exhibit C meets the FCC’s requirements for an affirmative statement from a state commission that requests for ETC designation are not within its jurisdiction and should be sought from the FCC. Accordingly, GreatCall requests that the FCC designate it as “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission....”¹⁰

III. GREATCALL SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC

GreatCall satisfies each of the statutory and regulatory prerequisites set forth in the Act and the FCC’s rules:

⁷ 47 U.S.C. § 214(e)(6).

⁸ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 29947, 29948 (1997).

⁹ *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 (2000).

¹⁰ 47 U.S.C. § 214(e)(6).

A. GreatCall is a Common Carrier.

Section 153(10) of the Act defines a common carrier as “any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio....” Great Call meets the definition of a person, offers interstate communications by radio, and is a common carrier for hire.

B. GreatCall Will Provide the Supported Services Through a Combination of Facilities-Based Service and Resale.

GreatCall operates as a Mobile Virtual Network Operator (“MVNO”) for most of the supported services, purchasing them on a wholesale basis from Verizon Wireless. GreatCall currently provides, or will provide, as of the date of designation, operator services and directory assistance, through its own facilities. In addition, approximately fifteen percent (15%) of GreatCall’s customers receive service through a separate platform whereby their calls are routed through GreatCall’s owned and operated switching facilities. Accordingly, GreatCall qualifies as a facilities-based carrier as defined by the federal statute.¹¹

C. GreatCall Offers the Services and Functionalities Supported by the Federal Low-Income Universal Service Program [47 C.F.R. § 54.201(d)]

GreatCall provides each of the services supported by federal universal service support mechanisms, as set forth in 47 C.F.R. § 54.101, and will offer these supported services throughout the areas in which it is designated as an ETC. GreatCall will provide these supported services using a combination of its own facilities and the resale of another carrier’s service. The services provided through the Verizon Wireless network will include the same antennae, cell-sites, towers, trunking, mobile switching and interconnection facilities used to serve Verizon Wireless’ customers. A description of how the supported services are provided follows:

¹¹ See, 47 U.S.C. § 214(e)(1).

1. Voice Grade Access [47 C.F.R. § 54.101(a)(1)]. “Voice grade access”

permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. Through Verizon Wireless’s interconnection agreements with local exchange carriers (“LECs”) in Tennessee, GreatCall’s customers will be able to make and receive calls on the public switched telephone network with a minimum bandwidth of 300 to 3000 Hertz.

2. Local Usage [47 C.F.R. § 54.101(a)(2)]. “‘Local usage’ means an amount

of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users.”¹² The FCC has interpreted its rule as requiring carriers to offer customers rate plans offering varying amounts of local usage.¹³ GreatCall offers customer rate plans that provide varying amounts of local usage, with all plans including a set amount of minutes for a flat fee. GreatCall’s plans offer consumers numerous benefits, including nationwide local calling areas, the availability of mobile service, and the ability to access a live operator who can perform a wide range of services in addition to standard operator services.

3. Dual Tone Multi-Frequency Signaling or its Functional Equivalent [47

C.F.R. § 54.101(a)(3)]. Dual tone multi-frequency (“DTMF”) signaling is a method of signaling that facilitates the transportation of call set-up and call detail information. The FCC has recognized that, with respect to wireless carriers, it “is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling.” The Verizon Wireless network

¹² 47 C.F.R. § 54.101(a)(2).

¹³ See, *Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd 48, 52 ¶ 10 (2000).

currently uses out-of-band digital signaling and in-band multi-frequency signaling that is the functional equivalent to DTMF signaling.¹⁴

4. *Single-Party Service or its Functional Equivalent [47 C.F.R. § 54.101(a)(4)]*. With respect to wireless carriers, “single-party service” affords a user a dedicated message path for the length of a user’s particular transmission. GreatCall meets this requirement with respect to each of its service offerings.

5. *Access to Emergency Services [47 C.F.R. § 54.101(a)(5)]*. “Access to emergency service” includes access to services, such as 911 and enhanced 911 (“E-911”), provided by local governments or other public safety organizations. All of the phones that GreatCall distributes in Tennessee are capable of delivering automatic numbering information (“ANI”) and automatic location information (“ALI”), and otherwise satisfy applicable state and federal E-911 requirements.

6. *Access to Operator Services [47 C.F.R. § 54.101(a)(6)]*. “Access to operator services” means access to automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call. GreatCall meets this requirement by providing access to operator services for customer service and call completion. GreatCall employs and trains operators who provide the required services, in addition to other personal services described elsewhere in this application, through its own facilities.

7. *Access to Interexchange Service [47 C.F.R. § 54.101(a)(7)]*. With respect to wireless carriers, “access to interexchange service” means access to the functional equivalent of the use of the loop, as well as that portion of the switch that is paid for by the end user, necessary to access an interexchange carrier’s network. GreatCall meets this requirement by

¹⁴ *Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, at ¶ 71 (1997).

providing all of its subscribers with the ability to make and receive interexchange or toll calls through GreatCall's network.

8. *Directory Assistance [47 C.F.R. § 54.101(a)(8)].* "Access to directory assistance" means access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings. GreatCall meets this requirement by providing access to directory assistance to customers. GreatCall employs and trains operators who provide directory assistance, in addition to other personal services described elsewhere in this application, through its own facilities.

9. *Toll Limitation [47 C.F.R. § 54.101(a)(9)].* "Toll limitation" includes the offering of either "toll control" or "toll blocking" to qualifying low-income customers, as a means of limiting or blocking the completion of outgoing toll calls. GreatCall has the technical capability to provide toll blocking if requested by its customers and it will offer toll blocking to qualifying low-income customers.

D. GreatCall Will Advertise the Availability of and Charges for its Universal Service Qualifying Offerings [47 C.F.R. § 54.201(d)(2)]

GreatCall will advertise the availability of the supported services detailed above, and the corresponding rates and charges, in a manner designed to inform the general public within Tennessee. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.

E. GreatCall Will Satisfy its Additional Obligations as an ETC.

In addition to those requirements set forth in Section 54.201 of the FCC's rules, GreatCall will satisfy other ETC requirements adopted by the FCC as applicable. In particular:

1. *Satisfaction of Applicable Consumer Protection and Service Quality*

Standards [47 C.F.R. § 54.202(a)(3)]. GreatCall will comply with all applicable state and federal consumer protection and service quality standards. Further, GreatCall will abide by CTIA's Consumer Code for Wireless Service ("CTIA Code"). GreatCall has already adopted the CTIA Code and is committed to compliance with the CTIA Code in those areas where it is seeking designation as an ETC. In particular, GreatCall will use its best efforts to resolve complaints received by the FCC, and designates the following contact person to work with FCC staff to resolve any complaints or other compliance matters:

Lynn Herrick, Esq.
12680 High Bluff Drive
Suite 310
San Diego, CA 92130
(858) 720-7322
Lynn.herrick@jitterbug.com

2. *Local Usage Plan [47 C.F.R. § 54.202(a)(4)].* GreatCall will offer all of its local usage plans to eligible Lifeline customers. Low-income customers may choose either of GreatCall's basic service plans, one priced at \$14.99 or the other priced at \$19.99, without being subjected to a credit check or other requirement. For customers who wish to choose one of GreatCall's higher-priced plans, the company will provide applicable Lifeline discounts, but will require automatic monthly billing to a valid credit card.

All of GreatCall's rate plans are comparable to those offered by ILECs in the service areas for which GreatCall seeks ETC designation. Moreover, prospective GreatCall customers will receive superior value because they will be able to select a rate plan that best suits their individual needs. For those who wish to make just a few calls, GreatCall's lower priced rate plan will provide savings and mobility. For those who wish to make more calls, GreatCall's higher priced rate plan, with a 48 state local calling area, will significantly lower the cost of basic

local exchange service from competitors with smaller local calling areas. In all cases, consumers will receive the benefits of mobility, high-quality service, and access to GreatCall's operator services that are unique in the telephone industry.

3. ***Equal Access [47 C.F.R. § 54.202(a)(5)]***. GreatCall acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

4. ***Lifeline Certification and Verification [47 C.F.R. § 54.410]***. GreatCall will certify and verify consumer eligibility to participate in the Lifeline and Link-Up programs in accordance with the FCC's rules.

IV. DESIGNATING GREATCALL AS A COMPETITIVE ETC WILL SERVE THE PUBLIC INTEREST.

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is "to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies" to all citizens, regardless of geographic location or income.¹⁵ Designating GreatCall as an ETC will serve the public interest generally, and the needs of low-income customers in Tennessee in particular.

GreatCall has specifically tailored its wireless service plans to provide the numerous benefits of mobile wireless telecommunications to underserved customers who have been left behind by other providers. GreatCall offers voice service at affordable rates starting as low as \$14.99 per month, without the typical strings attached (such as credit checks, long-term commitments, and early termination fees) that otherwise prevent many economically disadvantaged customers from obtaining wireless services. The reach and quality of GreatCall's

¹⁵ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

service are enhanced by the fact that it uses the network infrastructure of Verizon Wireless, which consistently receives top rankings for its voice coverage across the nation.¹⁶

GreatCall fulfills a critical role in the marketplace by ensuring that many Americans who cannot qualify for, or afford, the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications. For example, 27% of GreatCall's customers have incomes below \$30,000 per year and nearly 40% have incomes below \$40,000 per year. 34% of GreatCall customers are retired and nearly 11% are over 85 years of age. These figures underscore the depth of GreatCall's reach in this demographic niche and the benefits that GreatCall can bring to the senior and disabled communities if Lifeline benefits are made available.

GreatCall's signature "Jitterbug" phones have been designed to make it easier for seniors and disabled people to place telephone calls and activate phone functions. For example, the software interface has been designed to request simple "Yes/No" responses, using dedicated "Yes" and "No" buttons. There are no "nested menus" to navigate. The telephone keypad has indented numbers to prevent fingers from slipping off keys. In addition, voice mail is activated by voice command; there is no PIN required to access voice mail.

GreatCall's "Jitterbug" phone provides specific features designed to assist the visually and hearing impaired. Visually impaired customers will find the following features helpful:

- Raised guides on the "5" key
- Large 20-point font on phone's screen

¹⁶ See "J.D. Power and Associates Reports: Overall, Wireless Carriers Reduce Dropped Calls, Failed Connections and Static, Driving an Improvement in Call Quality Performance", available at <http://businesscenter.jdpower.com/news/pressrelease.aspx?ID=2009155> (Aug. 27, 2009) ("Verizon Wireless ranks highest in the Northeast, Mid-Atlantic, Southeast and Southwest regions in wireless call quality performance. Verizon performs particularly well with regard to limiting dropped calls, failed initial connections, and late or failed text and voice messages.")

- Amber, backlit buttons
- Extra large buttons
- Dial tone, so customers know they are connected to the network. There is no need to see the signal strength meter (how many “bars” on the phone) to use the phone.

Hearing impaired customers will find the following features helpful:

- M4/T4 Hearing Aid compatibility rating.
- Very loud speaker with adjustable volume to 101 decibels.
- Dedicated speakerphone button.

Since its inception, GreatCall has had as its mission increasing access to basic telecommunications services by senior and disabled populations who have been largely left behind by other carriers focused on providing high-end devices that provide, among other things, cameras, data services, Internet access and video streaming. GreatCall’s customers are the many people who simply want to place and receive voice calls, with easy access to personal operators who can help complete calls, answer questions, and provide assistance with phone functions.

GreatCall’s service has been recognized for its outreach and assistance to the senior and visually impaired communities. In 2009, GreatCall’s service won the “Caregiver Friendly Award” from *Today’s Caregiver Magazine*. Also in 2009, GreatCall won the 49th Annual Louis Braille “Special Recognition Award” for having made a significant contribution on behalf of the blind and visually impaired.

By this application, GreatCall seeks to make it easier for low-income Americans to access basic telephone services, including seniors and the disabled who today form the core of GreatCall’s business. The primary purpose of universal service is to ensure that consumers—especially low-income consumers—receive affordable and comparable telecommunications

services. A study has found such service to be a vital economic resource for low-income consumers that leads to improved wage levels and personal safety.¹⁷ Given this context, designating GreatCall as an ETC would benefit consumers, especially its many low-income and senior consumers eligible for Lifeline services. The Company's participation in the Lifeline program also undoubtedly would increase opportunities for it to serve Tennessee customers with appealing and affordable service offerings.

Designation of GreatCall as an ETC would also promote competition. GreatCall will bring the same entrepreneurial spirit that has reinvigorated the wireless industry to the Lifeline market in Tennessee, helping to redefine the wireless experience for many low-income consumers in the state. Other carriers, therefore, will have the incentive to improve their existing service offerings and tailor service plans to contain service terms and features appealing to lower-income customers.

GreatCall has emphasized customer service as a pillar of its marketplace success since service launch. As evidence of its commitment to high-quality service, GreatCall has complied with the CTIA-The Wireless Association® Consumer Code for Wireless Service ("Consumer Code") since its inception and will continue to comply with the Consumer Code once designated as an ETC.

GreatCall enjoys high customer satisfaction ratings. GreatCall employs a tool called Net Promoter Score, which is a straightforward metric that holds companies and employees accountable for how they treat customers.¹⁸ It measures how likely customers are to refer your business to others. Without explaining the metric in detail, GreatCall can report that last year its

¹⁷ See Sullivan, "A Review of Literature and Data from Two New Surveys," April 2008.

¹⁸ More detailed information can be found at www.netpromoter.com.

Net Promoter score was 44. The wireless industry norm was 12-14, confirming that GreatCall's customer satisfaction exceeds that of its competitors by a wide margin.

GreatCall has also received several awards, most recently CTIA's Hottest Mobile Consumer Application Award for its LiveNurse™ program. The company has been the recipient of additional awards, which can be found on the company's web site, www.jitterbug.com/Community/Awards.aspx.

While GreatCall has experienced success in deploying wireless services to low-income consumers, internal Company analysis suggests that many low-income customers still intermittently discontinue service because of economic constraints. Designation in Tennessee would enable GreatCall to offer more appealing and affordable service offerings to low-income customers to ensure that they are able to afford wireless services on a consistent and uninterrupted basis. Without question, wireless services have become essential for lower-income citizens, providing them with value for their money, access to emergency services on wireless devices, and a reliable means of contact for prospective employers, social service agencies or dependents.

Providing GreatCall with the authority necessary to offer discounted Lifeline services to those most in danger of losing wireless service altogether undoubtedly promotes the public interest.

V. ANTI-DRUG ABUSE CERTIFICATION

No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862.

VI. CONCLUSION

Based on the foregoing, GreatCall has demonstrated its eligibility for designation as an ETC. Accordingly, GreatCall respectfully requests that the FCC grant this Petition expeditiously.

Respectfully submitted,



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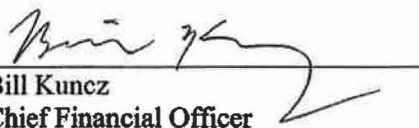
Counsel for GreatCall, Inc.

September 22, 2010

EXHIBIT A

CERTIFICATION

I, Bill Kuncz, Chief Financial Officer, do hereby affirm that I have reviewed all of the factual assertions set forth in the foregoing application for ETC status and that all such statements made therein are true and correct to the best of my knowledge, information and belief.



Bill Kuncz
Chief Financial Officer
GreatCall, Inc.

EXHIBIT B

Proposed ETC Service Areas

SAC Name

290280	ARDMORE TEL CO
290552	CENTURYTEL-ADAMSVILL
290553	BEN LOMAND RURAL
290554	BLED SOE TEL COOP
290557	CENTURY-CLAIBORNE
290559	CONCORD TEL EXCHANGE
290561	CROCKETT TEL CO
290562	DEKALB TEL COOP
290565	HIGHLAND TEL COOP-TN
290566	HUMPHREY'S COUNTY
290567	UNITED INTER-MT-TN
290570	LORETTO TEL CO
290571	MILLINGTON TEL CO
290573	NORTH CENTRAL COOP
290574	CENTURYTEL-OOLTEWAH
290575	TENNESSEE TEL CO
290576	PEOPLES TEL CO
290578	TELLICO TEL CO
290579	TWIN LAKES TEL COOP
290580	CTZENS-FRNTR-VOL ST
290581	UTC OF TN
290583	WEST TENNESSEE TEL
290598	WEST KENTUCKY RURAL TELEPHONE
294336	CITIZENS-FRONTIER-TN
295185	SO. CENTRAL BELL -TN
190248	SCOTT COUNTY COOP
230501	SKYLINE MEMBERSHIP

EXHIBIT C

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:)	
)	
APPLICATION OF ADVANTAGE CELLULAR)	DOCKET NO.
SYSTEMS, INC. TO BE DESIGNATED AS AN)	02-01245
ELIGIBLE TELECOMMUNICATIONS CARRIER)	

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("Application") filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority's decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

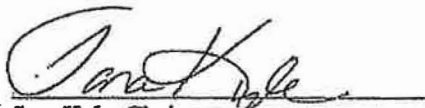
In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴


The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

³ *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 96-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")